



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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July 15, 2019

VIA ECF and UPS Overnight

Hon. William H. Pauley III
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: SEC v. Archer, et al.;
No. 16 Civ. 3505 (WHP) (OTW)

Dear Judge Pauley:

We represent the Plaintiff, Securities and Exchange Commission (the “Commission”), in this action.

While the Court provided the Commission an opportunity to file a Reply in further support of our Motion for Entry of Final Judgment Against Defendant Francisco Martin by today (DE 224), Defendant Martin neither served nor filed any opposition to the Commission’s opening brief, except the email communication to me, dated June 13, 2019 (previously forwarded to the Court (DE 251)), which states that he does not “agree to the false picture the SEC is painting in this case against my persona.” Mr. Martin’s email indicates that he specifically contests what he believes was the Commission’s contention that he only came “to the US from Spain [to testify at the criminal trial]... because [he] had a safe passage letter and/or an immunity agreement.”

The Commission respectfully refers the Court to its opening Brief (DE 249), at page 10, in which we acknowledge that Mr. Martin “provided helpful testimony” at the trial of the parallel criminal action, United States v. Galanis, 16 Cr. 381 (RA) (S.D.N.Y.) (“Criminal Action”). We further respectfully refer the Court to Exhibit A to my Declaration (DE 247) where we attach the following excerpt from the Criminal Action trial transcript of Mr. Martin’s testimony (at page 2138):

Q: Are you testifying here today pursuant to an immunity order?

A: Yes.

Q: Did you refuse to testify absent the entry of such an order?

A: Yes.

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With respect to the status of the Criminal Action, Defendant Morton's motion to withdraw her guilty plea is being briefed by the parties and Defendant Cooney's sentencing is scheduled for July 31, 2019. On the Government's appeal of the Court's Order granting Defendant Archer a new trial, Archer filed his opposition on June 26, 2019. Oral argument has not yet been set.

Respectfully submitted,



Nancy A. Brown

cc: All Defendants via e-mail or overnight mail